

Part 3

Creation of Independent Entities

63E-1-301 Definitions.

As used in this part, "government requestor" means:

- (1) the governor;
- (2) an executive branch officer other than the governor;
- (3) an executive branch agency;
- (4) a legislator, including a legislative sponsor of legislation creating an independent entity; or
- (5) a legislative committee.

Enacted by Chapter 201, 2001 General Session

63E-1-302 Review by committee required for creating an independent entity.

- (1) If a government requestor proposes that the Legislature create an independent entity, that government requestor shall request that the committee review the proposal.
- (2) After receiving a request for review under Subsection (1), the chairs of the committee:
 - (a) shall schedule a meeting of the committee to review the proposal; and
 - (b) may request information from executive and legislative branch entities and officers concerning the proposal including:
 - (i) whether or not the proposed independent entity should be exempt from any state statute;
 - (ii) the need for oversight of the proposed independent entity by an executive branch agency;
 - (iii) the need for and requirements of audits of the proposed independent entity;
 - (iv) the custody of the proposed independent entity's funds;
 - (v) the legal representation of the proposed independent entity;
 - (vi) whether or not the state should receive services from or provide services to the proposed independent entity; and
 - (vii) the legal liability, if any, to the state if the proposed independent entity is created.
- (3) In requesting information from executive and legislative branch entities or officers under Subsection (2), the committee should specifically consider seeking information from:
 - (a) the state auditor;
 - (b) the state treasurer;
 - (c) the attorney general;
 - (d) the risk manager; and
 - (e) the executive director of the Department of Administrative Services.

Amended by Chapter 46, 2006 General Session

63E-1-303 Recommendations of the committee.

After the committee has reviewed a proposal to create an independent entity in accordance with Section 63E-1-302, the committee shall make a report to the Legislature stating whether the committee:

- (1) recommends creation of the proposed independent entity;
- (2) recommends that the proposed independent entity not be created; or
- (3) makes no recommendation regarding the creation of the proposed independent entity.

Amended by Chapter 46, 2006 General Session

63E-1-304 Limitations on risk management coverage.

- (1) Except as specifically modified in its authorizing statute, an independent entity is not eligible to receive coverage under the Risk Management Fund created by Section 63A-4-201.
- (2) If an independent entity that receives coverage under the Risk Management Fund is involved in a commercial activity, the state risk manager may require that the entity:
 - (a) procure commercial insurance coverage or provide proof of vendor's insurance coverage for the commercial activity; and
 - (b) comply with loss prevention measures specified by the state risk manager.

Enacted by Chapter 220, 2013 General Session